

Although the ozone modeling guidance generally requires that modeling results show attainment of the standard in all grid cells, it does allow alternative methods for demonstrating attainment on a case by case basis. EPA believes that the modeling demonstration submitted by the State of North Carolina is sufficiently conservative so that it is likely that the O₃ NAAQS will continue to be maintained in the Charlotte area without the State having to invoke costly additional measures adopted in the maintenance standard. That belief is based on the combination of the following factors:

(1) North Carolina has five years of air quality data showing attainment of the standard.

(2) The maintenance plan contains pre-adopted measures and a violation would trigger reduction in emissions by the following ozone season.

(3) The ozone standard is a statistically based NAAQS that allows one exceedance per year.

(4) North Carolina has done extensive modeling to gain an understanding of the creation of ozone in the Charlotte area and has generally made conservative assumptions in selecting modeling inputs.

(5) The uncertainties in the biogenic emission inventory and other modeling inputs are well within the range of the 2–3 ppb needed to reach the .124 ppm in all grid cells.

(6) The modeling did not account for lower VOC, NO_x and O₃ boundary conditions expected when SIP attainment control programs have been implemented in many areas throughout the United States.

Therefore, EPA believes the area is eligible for redesignation with the existing control strategy and the contingency plan discussed below.

The emissions budget for conformity is contingent upon the control strategy selected pursuant to the April 19, 1995, public hearing. That budget will be published in any notice that takes final action approving this redesignation request.

C. Verification of Continued Attainment

Continued attainment of the O₃ NAAQS in the nonattainment area depends, in part, on the State of North Carolina's efforts toward tracking indicators of continued attainment during the maintenance period. The primary trigger of the contingency plan will be a violation of the ambient air quality standard for ozone. The trigger date will be the date that the State certifies to EPA that the data is quality assured, which will occur no later than 30 days after the recorded violation. The secondary trigger of the contingency plan will be an exceedance of the ozone standard that would indicate a violation could be imminent. This trigger will be

activated within 30 days of the State finding the exceedance.

Once either the primary or the secondary trigger is activated, the State Air Quality Section will commence analysis, including updated modeling as necessary, to determine what control measures will be required to bring the area back into attainment. By May 1 of the year following the ozone season in which the primary trigger has been activated, the State will complete the analysis and adopt stationary control measures indicated by the analysis, using the emergency rule process as necessary. The time frame for adopting measures other than for stationary sources will be based on the time frames in section 181(b) of the CAA. Where only the secondary trigger has been activated, the State will complete the analysis and begin the regulatory adoption process for any measures that are needed by May 1 of the following year.

D. Contingency Plan

The level of VOC and NO_x emissions in the nonattainment areas will largely determine its ability to stay in compliance with the O₃ NAAQS in the future. Despite the State's best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Therefore, the State of North Carolina has provided contingency measures with a schedule for implementation in the event of a future O₃ air quality problem. The actual measures will be determined from the analysis process described in the Verification of Continued Attainment portion of this notice. The measures analyzed will include RACT or greater level control for NO_x and VOC sources, Stage II vapor control for gasoline dispensing facilities, enhancements to the I/M program, transportation control measures, and any other appropriate measures. EPA finds that the contingency plan provided in the State of North Carolina's submittal meets the requirements of section 175A(d) of the CAA.

E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the State of North Carolina has agreed to submit a revised maintenance SIP eight years after the nonattainment area is redesignated to attainment. Such revised SIP will provide for maintenance for an additional ten years.

6. Proposed Action

EPA proposes approval of the State of North Carolina's request to redesignate

to attainment the Charlotte-Gastonia O₃ nonattainment area and maintenance plan contingent upon a full and final approval of the outstanding requirements discussed above (emission statement, RACT catch-ups, emission inventory and I/M). EPA also proposes to approve the 1990 baseyear inventory for the Charlotte-Gastonia nonattainment area.

The OMB has exempted these actions from review under Executive Order 12866.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

List of Subjects

40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: April 5, 1995.

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Acting Regional Administrator.

[FR Doc. 95-9248 Filed 4-14-95; 8:45 am]

BILLING CODE 6560-50-P